

SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

EXECUTIVE OFFICER'S REPORT

January 8, 2003

PART A

SAN DIEGO REGION STAFF ACTIVITIES *(Staff Contact)*

1. **Stream Bioassessment Workshops** *(Dave Gibson) (Attachment A-1)*

Dave Gibson attended two workshops in December 2002 on the subject of stream bioassessment using benthic macroinvertebrates. During the December 4th Annual California Aquatic Bioassessment Workgroup Meeting in Sacramento, Mr. Gibson participated in a panel discussion on TMDLs and biological criteria. Mr. Gibson gave a presentation on the development of the San Diego Index of Biotic Integrity (IBI) and the existing and potential regulatory uses of bioassessment data. On December 12th, Mr. Gibson participated in the Stormwater Monitoring Committee (SMC) workgroup meeting (Attachment 1). During that meeting, the SMC workgroup discussed potential evaluation and research projects to address uniformity in bioassessments performed under NPDES municipal storm water permits in San Diego, Orange, Los Angeles and Ventura counties and the expansion, refinement and evaluation of the San Diego IBI for use throughout southern California. The San Diego IBI is the first region wide IBI developed in California.

2. **WIN (formerly SWIM) Database Update** *(Bob Rossi, Shane Landry, and John Odermatt)*

The Regional Board staff has been working on the following items related to the further development of the WIN (formerly SWIM) database:

In-house WIN Database Training: At the present time, the Regional Board line staff have only "viewing" access to the WIN database. This level of access does not allow the line staff to directly input data into the WIN database. The Information Technology (IT) staff is coordinating with the State Board WIN staff to obtain database access/editing rights for the Regional Board staff. The Regional Board Senior staff is preparing a general in-house training seminar on data entry for the WIN (formerly SWIM) database. The training seminar will focus on the entry of data to document compliance inspections and results from review of monitoring/technical reports. The data of the in-house training will be scheduled in the near term, pending further discussion with senior staff concerning development of some standards for data entry.

Core Regulatory Program Performance Reports: On December 24, 2002, the State Board WIN (formerly SWIM database) staff provided the Regional Board staff with a copy of their "Performance Report" for the core regulatory programs (e.g., NPDES, Land Disposal and WDR (formerly NON15). The "Performance Report" was accompanied by a file containing a copy of the database "query language" used to extract data from the

WIN database for the Land Disposal and WDR programs and generate the "Performance Report." The query language used to extract the data from the NPDES program was not provided to the Regional Board staff. These "Performance Report" data were being presented at the next Management Coordinating Committee (MCC) Meeting in mid January.

The data presented in the "Performance Report" did not appear to match the entries made in the WIN database by the Regional Board staff. On January 3, 2003, the Regional Board staff communicated a number of observations and comments regarding the "query language" and the "Performance Report" provided by the State Board staff. The Regional Board staff expressed a number of concerns with the accuracy of the performance report and the "query language file", presumably used to create those reports. The Regional Board staff provided the State Board staff with a reply email containing a file with our comments and concerns regarding the "Performance Report" provided by the State Board staff in the Excel spreadsheet format.

PART B

SIGNIFICANT REGIONAL WATER QUALITY ISSUES

1. Sanitary Sewer Overflows (SSO) *(Victor Vasquez, Chiara Clemente, David Hanson, Bryan Ott)* *(Attachment B-1)*

In December 2002, there were 30 sanitary sewer overflows from publicly-owned sewage collection systems reported to the Regional Board office; 18 of these spills reached surface waters or storm drains, and one resulted in closure of recreational waters. Of the total number of overflows from public systems, seven were 1,000 gallons or more.

Seven sewage overflows from private property were also reported in December; one was 1,000 gallons or more. Five of the private property spills reached surface waters or storm drains, and one resulted in closure of recreational waters.

A total of 1.98 inches of rainfall was recorded at San Diego's Lindbergh Field in December. For comparison, in November 2002, 0.32 inches of rainfall was recorded, and 24 public SSOs were reported; in December 2001, 0.45 inches of rainfall was recorded, and 43 public SSOs were reported.

Regional Board staff has updated the sewer overflow statistics for each sewer agency by fiscal year since FY 1998-99 in the attached table entitled "Sanitary Sewer Overflow Statistics." Staff also performed a more in-depth analysis of the SSO data for FY 2001-02, and this analysis is summarized in the attached table entitled "Public SSO Statistics Summary for FY 2001-02." The analysis was performed to present the available data in a manner that would allow the Regional Board to evaluate the performance of each sewer agency in the region by comparing different parameters. Staff will continue to improve the manner that SSO data is presented in the future in order to provide the Regional Board the most meaningful and insightful information.

Four Notices of Violation (NOV), two with Requests for Technical Information (RTI), were issued in December for recent significant overflows. The NOVs were issued to the following agencies:

City of Escondido

The City of Escondido (City) notified this office of a 4,260-gallon sanitary sewer overflow from sewer manhole #5476 located near 353 Highland Place that occurred on December 19, 2002. The City attributed the cause of the sanitary sewer overflow to a blockage in the sewer main line due to grease and debris. City crews were able to recover an estimated 1,200 gallons. The remainder of the overflow, approximately 3,060 gallons, was discharged to a storm drain, which drains to Escondido Creek, tributary to San Elijo Lagoon and the Pacific Ocean. Signs warning of contamination were posted at public access sites along the affected reach of Escondido Creek for 3 days.

United States Marine Corps Base Camp Pendleton

The United States Marine Corps Base Camp Pendleton (Base) notified this office of a sanitary sewer overflow that started November 17, 2002 from a main sewer line near Building No. 210440 (Manhole No. 13Y278) and resulted in a discharge of 30,600 gallons of sewage to the Pacific Ocean at Oceanside Harbor. This overflow resulted in San Diego County Department of Environmental Health required posting of signs to prevent public contact of the affected waters for 4 days. A Notice of Violation (NOV) with a request for technical information, pursuant to Section 13267 of the California Water Code, was issued for this SSO.

The Base also notified this office of a sanitary sewer overflow that occurred on November 27, 2002 from a grease trap near Building No. 53502 and resulted in a discharge of 1,360 gallons of sewage to a dry drainage ditch that is tributary to San Onofre Creek. This was the second overflow that has occurred at this location since August 8, 2002. A Notice of Violation with a request for technical information, pursuant to Section 13267 of the California Water Code, was issued for this SSO.

City of San Clemente

The City of San Clemente (City) notified this office of a 240-gallon sanitary sewer overflow from its wastewater collection system that occurred on October 4, 2002 at San Clemente High School at 700 Pico Ave. The City reported the cause of the overflow as a sewer main blockage due to grease and possibly a broken piece of clay pipe. The report from the City and a report from the County of Orange Health Care Agency indicated that the overflow entered a storm drain that discharges to the Pacific Ocean. The overflow resulted in the closure of ocean recreational waters adjacent to North Beach in San Clemente to prevent public contact with affected waters.

An NOV and request for technical report (RTR) was issued in early January 2003 for the following significant overflow:

City of San Diego

The City of San Diego (City) notified this office of a 130,756-gallon sanitary sewer overflow that occurred December 25-26, 2002 at 2636 Grand Avenue. The City attributed the overflow to a grease blockage in a 10-inch diameter line. City crews were able to recover approximately 4,500 gallons. The remainder of the flow was discharged to Rose Creek and Mission Bay. Signs warning of sewage contamination were posted throughout east Mission Bay (Campland, De Anza Cove, Leisure Lagoon, Fiesta Island, Vacation Isle, eastern shore of Crown Point) for 5 to 7 days (duration of postings varied by location). The City initially reported that the spill began on December 26, 2002 and reported an overflow volume of 15,600 gallons. However, upon receipt of high bacteria counts detected on December 25, 2002, the City revised their spill report to reflect that the spill could have begun on December 25, 2002.

2. Clean Water Act Section 401 Water Quality Certification Actions Taken in December 2002 (Stacey Baczkowski)

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	CERTIFICATION ACTION
12/3/02	Winchester 700, LLC	Murrieta Springs, TTM 29707	Development of approximately 770 single family residential units on approximately 199.5 acres, as well as commercial and school properties.	Conditional
12/4/02	North San Diego County Transit Development Board	Del Mar Bluffs Stabilization Project	Drainage improvements associated with the North County Transit District railroad right-of-way in the City of Del Mar.	Conditional
12/4/02	California Quartet	Saddleback Meadows	Development of 283 residential units on the 225-acre Saddleback Meadows project site.	Conditional
12/9/02	Southwest Marine, Inc.	Pier 1 Near Shore Replacement	Replacement of 207 linear feet of timber pier with concrete.	Standard
12/10/02	Catholic Diocese of San Diego	Cathedral High School Project	Construction of a high school, ball fields, and associated infrastructure.	Conditional
12/10/02	San Diego Gas & Electric	TM 3010 Clairemont Pipeline Erosion Project	Stabilize the west bank of an unnamed drainage of San Clemente Canyon in order to repair erosion and prevent future impacts to an existing gas pipeline.	Conditional
12/10/02	North San Diego County Transit	Railroad Bridge 230.6	Replacement and repair of damaged bridge	Standard

	Development Board	Maintenance	pilings.	
12/10/02	Vallecitos Water District	San Marcos Interceptor Sewer Replacement Project	Replacement of approximately 1,493 linear feet of an existing 21-inch and 24-inch diameter interceptor sewer pipeline that has exceeded its design life with a new sewer pipeline ranging from 36 inches to 39 inches in diameter.	Standard
12/11/02	Butterfield Development	Roripaugh Ranch Residential Development Project	Development of 1721 residential units on two adjacent, but separate parcels of land. One parcel is in the City of Temecula and the other is in the County of Riverside.	Conditional
12/16/02	Pulte Home Corporation	Silverhawk III	Development of a 54.6 acre site into 122 single-family homes and the supporting infrastructure.	Conditional
12/19/02	Concorde Development, Whispering Hills LLC	San Juan Hills High School / Whispering Hills Estates	73.48 acres for a high school, 76.97 acres for single-family residential development of 150 homes, and 95.59 acres of single-family residential development of 43 homes	Conditional
12/20/02	National Steel and Shipbuilding Co.	Berths 3 & 4 Fender Piling Repair	Removal of existing 12-inch diameter wood pilings and replacement with 70 ft-long steel, uncoated h-beam piles.	Conditional
12/20/02	Paul Santina & Martha Greg	333-337 Pacific Avenue Shoreline Stabilization Project	Construction of tied-back shotcrete seawall along face of lower bluff, installation of six below-grade drilled piers along the top of the bluff.	Withdrawn

Public notification of pending 401 Water Quality Certification applications can be found on our web site at http://www.swrcb.ca.gov/rwqcb9/Programs/Special_Programs/401_Certification/401_certification.html.

3. San Diego Municipal Storm Water Permit Update (Phil Hammer)

USEPA and its contractor Tetra Tech, Inc. have finalized the reports for the compliance evaluations they conducted with Regional Board staff in October 2002. The compliance evaluations addressed the municipal urban runoff management programs of the City of San Diego and the County of San Diego. The evaluations were detailed week-long assessments of each municipality's overall success in meeting the requirements of the San Diego Municipal Storm Water Permit, including in-field verification of program implementation. The finalized reports identify potential program violations, program deficiencies, and positive program attributes. The reports have been forwarded to the municipalities, and staff will be conducting follow-up investigations to ensure that all potential deficiencies and violations have been corrected. The reports are available for review upon request.

The Copermittees were required to submit their local Standard Urban Storm Water Mitigation Plans (SUSMPs) to the Regional Board on Dec. 9, 2002. The local SUSMPs describe how each Copermittee will be implementing the Model SUSMP within their jurisdiction. The Model SUSMP is a general plan designed to minimize the impact of urban runoff from new development and significant redevelopment on receiving waters. Staff is currently reviewing each of the Copermittees' local SUSMP submittals.

The Copermittees are required to submit several other documents at the end of January 2003 for Regional Board review. Each Copermittee is to submit an Annual Compliance Report, describing all urban runoff management activities conducted by the Copermittee during the previous year. Watershed Urban Runoff Management Plans (WURMPs) are also to be submitted. The WURMPs are plans designed to identify, prioritize, and address the principal urban runoff issues in each of the major watersheds within San Diego County. Finally, a report on urban runoff monitoring activities will also be submitted. Updates on these submittals will be provided in subsequent Executive Officer Reports.

4. Petition to the SWRCB by Divers' Environmental Conservation Organization for review of Order No. R9-2002-0169, NPDES Permit No. CA0109169, Waste Discharge Requirements for U.S. Navy, Naval Base, San Diego (Paul J. Richter)

On November 13, 2002 this Regional Board adopted an NPDES permit for the industrial discharges and the industrial storm water discharges from the U.S. Navy, Naval Base San Diego (NBSD).

By letter dated December 12, 2002 Mr. Cory J. Briggs, representing his client, the Divers' Environmental Conservation Organization, submitted a petition to the SWRCB's Office of the Chief Counsel regarding NBSD's NPDES permit. The petitioner has stated that he is challenging the NPDES permit because it does not contain numeric effluent limitations for industrial storm water for the toxic pollutants listed in the California Toxics Rule. In evaluating the petition the SWRCB staff may dismiss the petition or accept it for consideration by the SWRCB.

5. Update on the Sea Water Desalination Pilot Plant at the Encina Power Station

(John Phillips and Hashim Navrozali)

As initially reported in the October 2002 Executive Officer's Report, Cabrillo Power I LLC (Cabrillo Power), owner and operator of the Encina Power Station in Carlsbad, submitted a request on September 10, 2002 to install and operate a sea water desalination pilot plant at the Encina Power Station. Poseidon Resources Corporation (Poseidon Resources), a water resources development company, entered into partnership with Cabrillo Power to provide funding, equipment, and technical expertise for the pilot plant. The pilot plant will produce up to 36,000 gallons per day of desalinated product water. Cabrillo Power will provide a temporary site and onsite facility improvements to accommodate the pilot plant, including use of its cooling water discharge pond adjacent to the Agua Hedionda Lagoon. Cabrillo Power's existing NPDES permit provides the necessary regulation of the pilot plant's discharge to Encina Power Station's cooling water discharge to the Pacific Ocean.

Cabrillo Power has indicated that construction phase of the pilot plant has been completed. The components of the pilot plant, including pretreatment filters and reverse osmosis membranes, are currently being subject to start up testing and fine tuning. The pilot plant will come on-line some time in January 2003 and is expected to continue operation through 2006. Cabrillo Power and Poseidon Resources will be using the data generated from the pilot plant to develop a full-scale 50 MGD desalination facility at the Encina Power Station. The full-scale desalination plant, if approved, is expected to start operation in 2006 and will provide high quality potable water to local and regional water suppliers in San Diego County. In a letter dated September 24, 2002 the Executive Officer confirmed that the power station's NPDES permit, Order No. 2000-03 (NPDES Permit No. CA0001350) would regulate the pilot plant's discharge and that the discharge could begin.

6. Ms. Marge Knothe - City of Poway *(Stacey Baczkowski)*

Ms. Marge Knothe, a homeowner in the City of Poway, raised concerns during the public forum at the December Regional Board meeting about the potential flooding and erosion impacts associated with a concrete brow ditch constructed by one of her neighbors. Regional Board staff visited the site with Ms. Knothe on December 5, 2002, prior to the December 11, 2002 Board Meeting, and met with her again on December 26, 2002 to discuss the concrete brow ditch. According to Ms. Knothe, the brow ditch has restricted a 40-foot wide flood plain to a 3-foot wide brow ditch; the change in the floodway and the increased flood flow velocity has resulted in erosion on Ms. Knothe's property. In an effort to control erosion and to construct an energy dissipator, the property owner placed some concrete chunks and rocks at the end of the channel. The concrete and rocks are not an "engineered" rip rap energy dissipator and most likely are not sufficiently reducing velocities to reduce erosion.

Staff is not recommending enforcement action against the property owner. The construction of the brow ditch is not subject to 401 Water Quality Certification, as the U.S. Army Corps of Engineers has not taken jurisdiction over the drainage. Staff advised Ms. Knothe to continue to pursue the problem with the City of Poway (City) as the brow ditch would more properly be administered under the City's MS4 permit.

7. Promenade Mall Development Corporation, Promenade Mall Dewatering (*Rebecca Stewart*)

In December 2002 Regional Board staff met with Promenade Mall Development Corporation (Promenade) representatives to discuss the status of connecting their dewatering discharge to the City of San Diego's sanitary sewer system. Connection to the sanitary sewer appeared to be the most straight forward way for Promenade to comply with effluent limitations in its NPDES permit because approximately 80% of the discharge already enters the City's sewage collection system through an interceptor installed in the storm drain that Promenade's discharge enters. Promenade has reported that the City's \$225,000 connection fee and \$25,000 monthly service charge is too costly for them to pursue. Promenade also reported the City's unwillingness to negotiate a reduction in the monthly service charge to just the additional 20 percent of its flow that currently enters Mission Bay. Promenade also reviewed with staff options that they could employ to eliminate future violations of its NPDES permit that are subject to mandatory minimum penalties.

The average daily flow rate of the dewatering discharge is 24,000 gallons per day. Promenade currently has twenty-one violations of its NPDES permit subject to mandatory minimum penalties. These violations are for exceedances of effluent limitations for chronic toxicity, copper, lead, and total suspended solids. The Regional Board requested that the mandatory minimum penalties not be brought back for consideration until after a permanent solution to the violations had been implemented. However, now that the permanent sewer connection will no longer be pursued by Promenade, and if Promenade does not propose any other steps to comply with the effluent limitations, the hearing to consider an ACL for the violations will be scheduled for a future Regional Board meeting.

8. Status of Compliance, Kinder Morgan Energy Partners, Mission Valley Terminal (*John Phillips*)

On December 11, 2002, the Regional Board adopted Order No. R9-2002-0385, *Administrative Assessment of Civil Liability with Mandatory Minimum Penalties Against Kinder Morgan Energy Partners Mission Valley Terminal Wastewater Treatment System for Violations of Order No. 2001-96, NPDES Permit No. CAG919002*, in the amount of \$21,000. The liability was assessed for seven violations of the chronic toxicity effluent limitation contained in Order No. 2001-96.

Subsequent to the adoption of the Order, the Executive Office issued Order No. R9-2002-0420 to Kinder Morgan requiring submittal of investigative technical reports on the discharge of effluent from the groundwater treatment system at Mission Valley Terminal. These technical reports are needed to aid staff in evaluation of measures taken to achieve compliance with Order No. 2001-96, to minimize the threat to water quality posed by the discharge of extracted groundwater, and to evaluate potential impacts on waters of the State. To determine whether or not the discharge has had an impact to the environment, the technical reports must include the results of all groundwater and surface water monitoring completed until compliance with Order No. 2001-96 is achieved.

Order No. R9-2002-0420 requires development and submittal of three reports:

- A report on the measures taken to achieve compliance with Order No. 2001-96. The report is to be received in this office by January 14, 2003.
- A report on the status of the Toxicity Identification Evaluation (TIE) phases must be submitted to the Regional Board as each phase is completed. The initial report on Phase I of the TIE process is to be received in this office by January 14, 2003, and each subsequent reports immediately after the completion of each phase.
- A report on the monitoring and assessment of the impact of the discharge on Murphy Canyon Creek and San Diego River. The report is to be received in this office by June 30, 2003.

Kinder Morgan has notified Regional Board staff by telephone that the January 14, 2003 submittal date may not be met and will submit a written request to extend the submittal date. This request has not been received as of the date of this report, January 8, 2003.

9. Update on Insect Pest Spraying Projects (*Pete Michael*) (*Attachment B-9*)

Two projects are planned within San Diego County to control insect pests.

West Nile virus: The County of San Diego proposes to spray waters to control mosquito vectors for the West Nile Virus, a virus causing disease in humans. The County has coverage under the State Water Resources Control Board's (State Board's) Order 2001-12-DWQ, *Statewide General NPDES Permit for Discharges of Aquatic Pesticides to Waters of the United States*, and has filed information with the Regional Board documenting proposed materials and methods. Should test animals be found positive for West Nile Virus, the San Diego County Department of Environmental Health will launch a control program in waters harboring mosquitoes.

Mexican fruit fly: The California Department of Food and Agriculture plans an aerial and ground-level spray program in the Valley Center area to control a known outbreak of the Mexican fruit fly. This pest degrades citrus, avocado, and other economically valuable crops, but human health is not expected to be an issue. The Department does not intend to apply the spray to surface waters and will use buffer zones around creeks and reservoirs to control drift. A new pesticide, Spinosad, an improved insecticide derived from soil organisms and registered for use on organic crops, would be used. Farmers would therefore not be disqualified from selling fruit grown in the project area as "organic." Pesticide spray programs are regulated by USEPA under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), by the California Department of Pesticide Regulation under the California Agriculture Code, and by county agricultural commissioners under use permits. This project is not subject to regulation under the State Water Resources Control Board general permit for aquatic pesticides; however, pursuant to the California Water Code we have asked for technical information related to potential discharges of waste. On December 31, 2002 we reviewed the Department's Spinosad spray proposal and concurred that the water quality protection measures would be

implemented, evaluated, and reported by the Department. We therefore had no objections to the Department's carrying out this project (attachment).

10. USEPA Wetland Program Development Grant Proposal (*Megan Fisher*)

On October 4, 2002, Northern Watershed Protection Unit staff submitted a pre-proposal to the EPA to conduct a study of mitigation sites in the Santa Margarita watershed that were required through Section 401 Water Quality Certifications. Objectives of the study include identifying successful wetland and stream replacement types, locations, and techniques; assessing compliance with Certifications; mapping mitigation sites; and developing scientifically-based, consistent requirements for mitigation in Certifications. The project would improve compliance with Certifications and result in higher quality, more successful wetland and stream mitigation in our Region. The estimated total project cost is \$150,000 (\$112,500 from the EPA, and a \$37,500 State match).

The EPA selected the pre-proposal and invited us to submit a full proposal by February 14, 2003. Staff is currently investigating options for the required match. Due to budget cuts, State Board contract dollars that were originally available for match funds are no longer an option. If match dollars are identified, staff will begin developing a full proposal.

11. Exotic Newcastle Disease- Waste Management Issues (*John Odermatt*) (*Attachment B-11*)

State and Federal officials have established a quarantine area in the Ramona area of the San Diego Region. The quarantine was established to prevent chicken and eggs from being moved in or out of San Diego County (see Attachments B-11a and b). Approximately 85,000 birds and an unquantified number of eggs will be destroyed in an attempt to control the spread of the disease to other flocks outside the currently known affected area in Ramona. It is anticipated that the wastes (e.g., carcasses, egg wastes, and possibly even manure) generated by the eradication effort will be disposed into Class III landfills located in San Diego County. It is anticipated that the Governor will declare a state of emergency for the impacted areas of Southern California. Regional Board staff have been in contact with staff from the State Water Resources Control Board, Cal-EPA, and local landfill operators in the San Diego Region.

12. San Marcos Landfill – Closure (*Carol Tamaki and John Odermatt*) (*Attachment B-12*)

The Regional Board staff has been developing closure and post-closure Waste Discharge Requirements (WDRs) for the San Marcos Landfill. The San Marcos Landfill is subject to State and Federal closure, post-closure, and corrective action requirements. The County Board of Supervisors approved the final Environmental Impact Report for the closure of the landfill in July 2002 (Attachment B-12).

On June 19, 2002, the Regional Board Land Discharge Unit hosted a workshop on "Optimizing Post-Release Waste Discharge Requirements at Municipal Solid Waste Landfills." The workshop was conducted in cooperation with the State Water Resources Control Board – Land Disposal Program. Twenty-eight (28) individuals attended the workshop, including representatives from the regulated community (i.e., private, public

agencies, and military), County/City LEA staff, and the Regional Board staff. The workshop was designed as an opportunity to educate the regulated community on required monitoring and remedial action (corrective action) programs at leaking MSW landfills. Evaluation and Assessment monitoring programs (to delineate the limits and impacts of groundwater pollution) are required when a waste management unit has a confirmed release of waste constituents. Further remedial (corrective) actions may also be required based upon the results from the evaluation and assessment phase. The various phases of corrective action (covered during the workshop) are required programs pursuant to state (CCR Title 27) and federal (40 CFR, Pt. 258) regulations.

On January 3, 2003, the Regional Board staff sent Tentative Order R9-2003-0003 to the County of San Diego Department of Public Works and a number of other known interested parties for the San Marcos Landfill. If adopted, tentative Order R9-2003-0003 would implement the State (California Code of Regulations Title 27) and Federal (Code of Federal Regulations Part 258) requirements for closure, post-closure maintenance and corrective actions. Regional Board staff anticipates that an agenda item for approval of Waste Discharge Requirements (WDRs) for closure and post-closure maintenance will be scheduled for March 12, 2003.

13. General Waste Discharge Requirements for Inactive Nonhazardous Waste Landfills
(Amy Fortin and John Odermatt)

By letters dated November 14, 2002, the Regional Board staff notified known interested and affected parties that the following tentative Orders were distributed for comment and review:

Tentative Order R9-2003-0001: "General Waste Discharge Requirements for Post-Closure Maintenance of Inactive Nonhazardous Waste Landfills within the San Diego Region."

Tentative Order R9-2003-0002: "General Waste Discharge Requirements for Post-Closure Maintenance of Inactive Nonhazardous Waste Landfills Containing Insignificant Volumes of Decomposable Wastes within the San Diego Region."

These tentative General Orders were originally noticed to public to be considered for adoption by the Regional Board as Tentative Orders R9-2002-315 and R9-2002-316. However, since that time the Regional Board staff has made significant revisions to the tentative Orders as a result of input received from the public. As a result, the Regional Board staff will re-notice the tentative Orders (under their new numbers) and reschedule an agenda item for the Regional Board to consider adoption of those tentative Orders.

Together, these two Tentative Orders constitute a revision of waste discharge requirements (WDRs) for inactive landfills containing nonhazardous wastes that are currently regulated through General WDRs (as Order No. 97-11 and addenda thereto). Currently, General Order No. 97-11 identifies two threat to water quality and complexity (TTWQ/CPLX) ratings for different categories of facilities (listed as Attachments 1 and 2

to Order No. 97-11). The State Board invoices dischargers for an annual fee that corresponds to the applicable TTWQ/CPLX rating. That is one reason the state regulations governing the assessment of annual WDR fees [Title 23, Section 2200(a)(1)(B)] require that all dischargers subject to the same permit shall pay the same fee. Currently, Order No. 97-11 is not consistent with the regulatory standards. Tentative Orders R9-2003-0001 and R9-2003-0002 will correct the current administrative problems associated including multiple TTWQ/CPLX ratings in Order 97-11.

In addition to the administrative correction identified above, the Regional Board staff recommends some significant changes in the Tentative Orders:

- Together, the orders covers most of the enrollees for municipal solid waste landfills and burn-ash sites currently enrolled in Attachment Nos. 1 and 2 to Order 97-11, and addenda thereto. The only exception is the Mission Bay Landfill currently being reviewed by a Technical Advisory Committee (TAC) convened by the City of San Diego. The Regional Board staff attends the monthly TAC meetings regarding Mission Bay Landfill. The Mission Bay Landfill will continue to be regulated by Order 97-11.
- Tentative Orders R9-2003-0001 and R9-2003-0002 require the enrollees/dischargers to conduct a periodic assessment (every 5 years) and submit a technical report on the effectiveness of the existing interim landfill cover system.
- Tentative Orders R9-2003-0001 and R9-2003-0002 require the enrollees/dischargers to comply with a Storm Water Pollution Prevention Plan (SWPPP), prepared pursuant to State Board General Order 97-03-DWQ, be updated to include best management practices for effective control of erosion and sediment discharges from the site.
- Tentative Orders R9-2003-0001 and R9-2003-0002 prescribe waste discharge requirements for management of soil stockpiles for performance of on-site maintenance of the interim landfill cover systems.

The Regional Board staff plans to place these two Tentative Orders on the March 12, 2003 agenda for consideration by the Regional Board.

14. General Waste Discharge Requirements for Disposal and/or Reuse of Petroleum Fuel Contaminated Soils (FCS) in the San Diego Region *(Brian McDaniel and John Odermatt)*

On December 11, 2002, this Regional Board adopted Tentative Order R9-2002-342. The Order implements General Waste Discharge Requirements (WDRs) that replaced Resolution No. 95-63: "Resolution Conditionally Waiving Waste Discharge Requirements for Disposal/Reuse of Waste Soils Contaminated with Petroleum Hydrocarbon Fuels." Recent amendments to the California Water Code (Section 13269) required that all the Regional Board's existing conditional waivers (including Resolution 95-63) expire on **January 1, 2003**.

The Regional Board staff has been invited to conduct a presentation regarding Order R9-2002-342 for a public meeting hosted by the County of San Diego – Annual Site Assessment and Mitigation Forum Meeting scheduled for January 22, 2003. This meeting will be an effective forum to discuss the General WDRs as it is generally well attended by dischargers, consultants and local agency staff.

15. Mission Bay Landfill (*Brian McDaniel and John Odermatt*)

On October 25, 2002, the Regional Board staff attended meeting of a technical advisory committee (TAC) convened by City Councilwoman Donna Frye to discuss the status of the Mission Bay Landfill. Members of the public, City of San Diego environmental staff, and Regional Board staff attended the meeting. The Regional Board currently regulates the Mission Bay Landfill under General Waste Discharge Requirements in Order 97-11.

Regional Board staff discussed with the TAC members the relevant current regulatory status and classification of the Mission Bay Landfill. The Regional Board staff suggested amending the title of Order 97-11 to read: "General Waste Discharge Requirements for Post-Closure Maintenance of Inactive Nonhazardous and Hazardous Waste Landfills within the San Diego Region." This wording change would address the concerns expressed by the public members of the TAC regarding a lack of recognition that the Mission Bay Landfill probably received wastes that would be classified as "hazardous" by current regulatory standards.

On February 5, 2003, the Regional Board is scheduled to consider adoption of Addendum No. 3 to Order 97-11. If adopted, the tentative addendum would modify the title of Order 97-11 as follows: "General Waste Discharge Requirements for Post-Closure Maintenance of Inactive Nonhazardous and Hazardous Waste Landfills within the San Diego Region."

16. Prima Deshecha Landfill – Orange County (*Amy Fortin and John Odermatt*)

On February 11, 2002, the Regional Board Executive Officer issued a conditional 401 Water Quality certification for the landslide remediation project (RWQCB File No. 01C-112) at the Prima Deshecha Landfill. In general, the County proposed to construct a buttress within the Prima Deshecha Cañada to remediate a massive landslide (encompassing approximately 2.5 million cubic yards) that occurred in an area formerly used to stockpile soils for use in landfill operations. The 401 Water Quality certification addressed only the project to remediate the landslide area. The 401 Water Quality certification does not constitute approval by the Regional Board for construction of a waste management unit (cell) over either the areas: (1) underlain by the buttress structure or (2) formerly included in the area occupied by the landslide itself. Both of these areas appear to be included in the proposed area for the location for the proposed Phase B waste management unit (cell).

On July 2, 2002, the County of Orange submitted a draft revised Report of Waste Discharge (ROWD included in a Joint Technical Document or JTD per CCR Title 27). The draft ROWD/JTD included proposed plans for the construction of a waste management unit adjacent to and over portions of the area containing the landslide

stabilization project referenced above. The County's proposal would extend landfill operations into potentially unstable terrain (as defined in 40 CFR, Section 258.15 – Unstable areas, and referenced in 27 CCR, Section 20260 – Rapid geologic change) requiring additional assessment of slope stability issues and potential mitigation thereof. The Regional Board staff has been working with the State Board staff to resolve outstanding regulatory and geotechnical issues related to the location and construction of the proposed Phase B WMU. The Regional Board and State Board staff have met with the County of Orange and their consultant in July 2002 and November 2002 to discuss the progress of the landslide mitigation project and modifications to the proposed design of the Phase B WMU.

17. Anza Landfill – Riverside County (*Amy Fortin and John Odermatt*)

The Anza Sanitary Landfill is a 50-acre facility located at 40329 Terwilliger Road in the City of Anza. The unit has an estimated capacity of 400,000 cubic yards with landfill operations occurring from 1955 until May 1999. After May 1999, the waste management unit stopped receiving waste and became an inactive facility. Currently, the landfill is an inactive, unlined facility with evidence of a release of waste constituents and the creation of a condition of groundwater pollution. The landfill is located over a fractured rock aquifer where groundwater is used to support municipal and domestic beneficial uses of drinking water. According to information provided by the County of Riverside, there may be over 100 wells, most being identified as having domestic uses, located within 1 mile of the Anza Landfill.

On December 6, 2002, the County of Riverside provided the Regional Board with two copies of revisions for the Joint Technical Document (JTD) and Report of Waste Discharge (ROWD). The revised JTD/ROWD included modifications discussed with the Regional Board staff during a meeting held on August 29, 2002. The Anza Landfill is subject to State (CCR Title 27) and Federal (40 CFR Part 258) closure, post-closure, and corrective action requirements. The Regional Board staff is currently reviewing the JTD for completeness.

18. Omar Rendering Class I Landfill (*Brian McDaniel and John Odermatt*)

The former Omar Rendering facility is located at 4826 Otay Valley Road in the City of Chula Vista. The facility operated as a Class I liquid hazardous waste disposal site from 1959 to 1978. In 1982, the Regional Board approved a closure plan for six Class I "ponds" (surface impoundments) used for disposal of liquid waste. Closure of the surface impoundments was achieved by excavation of hazardous waste and contaminated soil. Those wastes were discharged into a Class I clay-lined waste management unit (i.e., the Class I cell) constructed in the northwest corner of the property. The former surface impoundments were covered with clean fill material and compacted. The Regional Board currently regulates monitoring and post-closure maintenance of the "Class I cell" through waste discharge requirements (WDRs) issued by the Regional Board (Order 97-40). The former owner of the property, Darling International, Inc., is currently identified as the "discharger" in Order 97-40. The property was subsequently sold to Otay Mesa Ventures (affiliated with Landbank, Inc. a subsidiary of the Shaw Group).

On December 17, 2002, the Regional Board staff met with representatives of Landbank and a prospective buyer for the former Omar Rendering site. Regional Board staff discussed the need to update the existing WDRs (Order 97-40) to include the change in ownership and financial assurance documents for post-closure maintenance and monitoring of the waste management unit. Regional Board staff also informed Landbank and the prospective buyer that the RWQCB management has directed the staff to prepare a cleanup and abatement Order for the site.

The prospective buyer presented preliminary plans to develop the property into an auto dealership and auto repair facility. The discussion also included potential liability for cleanup and abatement of environmental pollution that could be incurred by the prospective buyer in the absence of some pre-purchase arrangements (e.g., pre-purchase agreement, agreement under provisions of the Polanco Act, etc.) with the San Diego Regional Board. The representatives from Landbank and the prospective buyer indicated that they would arrange for their legal counsel to meet with our SWRCB OCC staff and Regional Board management to discuss various legal options for limiting the liability of the prospective buyer.

19. Vista I Burn-ash Site (*Amy Fortin and John Odermatt*)

The Vista I Burn Site located adjacent to Loma Alta Creek in the 1300 Block of Lee Avenue in the City of Carlsbad. There have been two developments concerning the Vista I Burn-ash site:

Solid Waste Water Quality Testing (SWAT) Report: California Water Code Section 13273 requires “operators” to submit a Solid Waste Water Quality Assessment Test (SWAT) to the RWQCB. The Vista I Burn Site was identified (Rank 15) in the original SWAT ranking of 1987. The objective of the SWAT is based upon California Water Code Section 13273, which requires site “operators” to make a determination whether a disposal site is leaking hazardous substances that may enter and degrade water resources. On May 16, 2002 and June 5, 2002, the Regional Board Executive Officer issued letters to the “operators” requesting a Solid Waste Assessment Test (SWAT) Proposal for the Vista I Burn Site. Additional information provided to the Regional Board staff by the County of San Diego Local Enforcement Agency (LEA) appears to indicate that the Vista Sanitation District (City of Vista) also qualifies as an “operator” of the former Vista I Burn site. On June 20, 2002, the Regional Board Executive Officer issued Order R9-2002-0166 to reaffirm the identification of “operators” (pursuant to criteria of Water Code Section 13273) and reaffirm the previous written requests for a SWAT proposal to be submitted to the Regional Board. The Regional Board received the required SWAT proposal from the operators on November 15, 2002.

Notice of Violation for Discharge of Wastes to Land: On November 22, 2002, the Regional Board issued a Notice of Violation (NOV R9-2002-357) to the City of Oceanside (property owner) and the Vista American Little League (lessee). The NOV was issued for discharges of wastes to land in violation of the California Water Code

Section 13260 and 13264, and the discharge prohibitions included in the Regional Board Basin Plan. A recent inspection (October 8, 2002) was conducted jointly by the Regional Board staff and County LEA staff, where agency staff observed a number of waste piles on-site (e.g., asphalt, concrete, green wastes, metals). The NOV was issued for failure to file a Report of Waste Discharge (WC Section 13260) and to obtain WDRs (Section 13264) or a waiver thereof from the Regional Board.

On December 23, 2002, the Regional Board staff conducted a follow-up inspection of the site. The staff observed that the waste piles, previously observed in the on-site parking areas, had been removed from the site. Further, areas that are known to contain exposures of burn-ash wastes have been secured (e.g., with a fence) to prevent immediate access by visitors to the Little League fields. However, the Regional Board staff remains concerned about source(s) of discharges of wastes that may be present in Loma Alta Creek. The Regional Board staff hopes to follow-up on this issue in the near future.

20. West Miramar Landfill – City of San Diego *(Carol Tamaki and John Odermatt)*

On June 19, 2002, the Regional Board Land Discharge Unit hosted a workshop on “Optimizing Post-Release Waste Discharge Requirements at Municipal Solid Waste Landfills.” The workshop was conducted in cooperation with the State Water Resources Control Board – Land Disposal Program. Twenty-eight (28) individuals attended the workshop, including representatives from the regulated community (i.e., private, public agencies, and military), County/City LEA staff, and the Regional Board staff. The workshop was designed as an opportunity to educate the regulated community on required monitoring and remedial action (corrective action) programs at leaking MSW landfills. Evaluation and Assessment monitoring programs (to delineate the limits and impacts of groundwater pollution) are required when a waste management unit has a confirmed release of waste constituents. Further remedial (corrective) actions may also be required based upon the results from the evaluation and assessment phase. The various phases of corrective action (covered during the workshop) are required programs pursuant to state (CCR Title 27) and federal (40 CFR, Pt. 258) regulations.

The Regional Board staff has been developing revised Waste Discharge Requirements (WDRs) including corrective actions for the West Miramar Landfill. The West Miramar Landfill is an operating facility that is subject to State (CCR Title 27) and Federal (40 CFR, Part 258) regulatory requirements.

On November 25, 2002, the Regional Board staff provided the discharger (City of San Diego) with a tentative Order R9-2003-0004. The tentative Order contains requirements that would implement corrective action requirements found in the State (California Code of Regulations Title 27) and Federal (Code of Federal Regulations Part 258). As a result, the tentative Order is quite different from previous WDRs issued for the West Miramar Landfill. The Regional Board staff anticipates working with the City staff to address issues concerned with the future implementation of these requirements at the West Miramar Landfill. The Regional Board staff does not anticipate scheduling an agenda

item for approval of revised Waste Discharge Requirements (WDRs) for the West Miramar Landfill during this fiscal year (ending June 30, 2003).

PART C

STATEWIDE ISSUES OF IMPORTANCE TO THE SAN DIEGO REGION

1. Current Budget Status *(Art Coe)*

The state's fiscal problems have already impacted the Regional Board's programs; additional impacts are anticipated – possibly later this fiscal year – certainly next fiscal year.

We began the fiscal year under an Administration imposed hiring freeze and language in the budget act requiring that we replace \$15 million of our General Fund budget (board-wide) with additional fees. The responses to both of these mandates together with a large amount of General Fund contract dollars have partially mitigated the impacts of the current fiscal crisis on the water boards. As a result of the hiring freeze there were a number of vacant positions in the water boards organizations that softened the blow of subsequent budget cuts. The increased fee structure has resulted in the General Fund now making up less than 25% of the water boards total budget. The General Fund contract dollars provided a cushion for other General Fund cuts that were imposed.

At the beginning of this Fiscal Year the San Diego Region had an authorized staff of 77.1 positions. We had 70.6 staff positions filled and were constrained to maintain a 5% vacancy factor (3.7 positions) for "salary savings." The initial reduction we were faced with was the "vacancy sweep," an effort by the Department of Finance to remove approximately 6,000 positions from the state work force. A total of 130.8 positions, all vacant, and the dollars that fund them, were eliminated from the water boards roster as a part of this effort. The State Board decided to focus this reduction on specific programs and combine it with a realignment of staff in some of the programs to better accommodate the presumed workload. This was done without regard to the status of filled vs. vacant positions in any of the organizations. As a result, the San Diego Region lost 4.8 positions plus our salary saving vacancies leaving us with an authorized staffing level of 67.6 positions and 3.0 positions without funding.

The San Diego Region and most of the other regional boards (except Region 7) ended up with more staff than funding. However, on a board-wide basis, there were adequate funds for all of the filled positions. To adjust, the State Board is providing budget augmentations to the under-funded organizations and restricting staff transfers into those organizations. In the San Diego Region this means that we will be unable to replace departing staff until at least three additional vacancies occur.

Activities impacted by the vacancy sweep in the San Diego Region include:

- Regulation and oversight of cleanup for above ground petroleum storage tanks (the entire program was eliminated from the water boards budgets)
- Regulatory activities at landfills
- Cleanup oversight activities at military bases
- Regulation of discharges of sewage and other liquid wastes to land disposal facilities, including water recycling projects
- Work in support of the Federal Clean Water Act Section 401 Water Quality Certification program

During this Fiscal Year we were also faced with a statewide 5% General Fund cut. This cut was almost entirely met with contract dollars earmarked for statewide contracts and equipment and training funds. The only impacts on the San Diego Region will be a need to carefully control expenditures for equipment, travel and training for the balance of this Fiscal Year and most likely for future Fiscal Years. As a result of internal initiative and external directive we have taken steps to reduce expenses in these areas. Most notably, use of teleconference facilities for meetings has been increased and we are minimizing attendance at meetings and training sessions where significant travel expenses are involved.

The next round of cuts will be in the Fiscal Year 2003/04 budget. The Governor was scheduled to release his FY 2003/04 budget proposal at noon on Friday, January 10. The State Board scheduled a conference call for the afternoon of January 10 to provide preliminary information on the impact of the proposed budget on the water boards. In the meantime, to prepare for likely additional General Fund cuts, the State Board has taken two actions. The water board organizations were requested to identify activities that would not be carried out under potential General Fund cuts of 25%, 50% and 75%. The State Board has also begun planning for ways to increase our fee revenue in anticipation of budget legislation to further cut our General Fund allocation.

We do not anticipate any adverse impacts on Board meetings/workshops/etc. as a result of the current fiscal situation.

2. Radioactive Waste Constituents at Class III Landfills (*John Odermatt*)

On April 25, 2002, the Executive Director of the SWRCB issued a request for the Regional Board Executive Officers to forward analytical data for certain radioactive waste constituents to the SWRCB by September 30, 2002. By letter dated June 20, 2002, an informal group of waste management industry representatives informed the SWRCB of their concerns with the requirements from the SWRCB Executive Director. On July 18, 2002, the SWRCB Executive Director issued a response letter to the industry group extending the original deadline for submittal of information to January 31, 2003. To date, the Regional Board staff has received responses from the County of Riverside (Anza Landfill), County of San Diego (San Marcos Landfill), County of Orange (Prima Deshecha Landfill), and the City of San Diego (West Miramar Landfill).